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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,040	10/26/2006	Riccardo Rossi	5882	3378
26936 7590 12/11/2007 SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING, MD 20910			EXAMINER KAYES, SEAN PHILLIP	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/599,040

Applicant(s)

ROSSI, RICCARDO

Examiner

Sean Kayes

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/18/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 9/18/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Objections***

2. Claim 22 is objected to for being indefinite. Claim 22 recites "said plates" there is only antecedent basis for one plate.
3. Claim 21 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must clearly state which claims it depends from. See MPEP § 608.01(n). Accordingly, the claim 21 has been considered only as depending from the independent claim 14.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 14 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonnet (US 5988871.)

6. With respect to claim 14 Bonnet discloses a display case for watches comprising

- an outer case (30 figure 1) internally provided with
- support means (36 figure 2) of watches (34 figure 2), wherein said outer case is armoured (30 figure 1 supports and encloses the device; the term armoured is given little patentable weight because said term does not define a clear limitation other than to say that said element has at least some material strength) and has at least
- one wall (32 figures 1-2) at least in part transparent in order to enable vision from the outside of the watches contained therein, and that
- movement means (80 figure 2) of the support means are also provided in order to confer a preset movement to the watches supported.

7. With respect to claim 18 Bonnet discloses the display case for watches according to claim 14, wherein said movement means comprise at least one motor means (80 figure 2), suitable to activate in rotation said support means.

8. With respect to claim 19 Bonnet discloses the display case for watches according to claim 18, wherein said movement means comprise at least one toothed wheel (35 figure 2) operatively connected to said motor means.

9. With respect to claim 20 Bonnet discloses the display case for watches according to claim 18, wherein said movement means comprise at least one pulley (78 figure 2) operatively connected to said motor means.

10. Claims 14 and 18 and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wuntch (US 4057958.)

11. With respect to claim 14 Wuntch discloses a display case for watches comprising

- an outer case (11 figure 1) internally provided with
- support means (17 figure 1) of watches, wherein said outer case is armoured (said outer case 11 figure 1 supports the disclosed device) and has at least
- one wall (8 figure 1) at least in part transparent in order to enable vision from the outside of the watches contained therein, and that
- movement means (12, 13, and 16 figure 1) of the support means are also provided in order to confer a preset movement to the watches supported.

12. With respect to claim 18 Wuntch discloses the display case for watches according to claim 14, wherein said movement means comprise at least one motor means (abstract), suitable to activate in rotation said support means.

13. With respect to claim 21 Wuntch discloses the display case for watches according to claim 14 (see the objection to claim 21 provided above), wherein said

support means comprise at least one plate (17 figure 1) rotatably integrally connected to said movement means.

14. With respect to claim 22 Wuntch discloses the display case for watches according to claim 21, wherein said plates are in ferromagnetic material (33 and 34 figure 3 and column 2 lines 47-68.)

15. With respect to claim 23 Wuntch discloses the display case for watches according to claim 14, wherein said support means comprise at least one watch holder cushion (17 figure 1 and column 2 lines 47-68) suitable to support a watch.

16. With respect to claim 24 Wuntch discloses the display case for watches according to claim 23, wherein said watch-holder cushion comprises a cushion body (17 figure 1) suited to abut a watch bottom in correspondence with a front face of the cushion body.

17. With respect to claim 25 Wuntch discloses the display case for watches according to claim 24, wherein at least one magnet body (33 and 34 figure 3) is associated to said cushion body, at a rear face (34 figure 3) opposite to said front face.

18. With respect to claim 26 Wuntch discloses the display case for watches according to claim 25, wherein said magnet body (33 and 34 figure 3) is a unidirectional

flow magnet, suitable to exert a magnetic attraction force in an opposite direction to said front face (column 3 lines 21-52.)

19. Claims 14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf (US D452256.)

20. With respect to claim 14 Wolf discloses a display case for watches comprising

- an outer case (figure 1) internally provided with
- support means (circular portion figure 1 and description of figure 1) of watches, wherein said outer case is armoured (the term armoured is given little patentable weight as previously discussed above) and has at least
- one wall (pivoting portion figures 1-2) at least in part transparent (see figure 2) in order to enable vision from the outside of the watches contained therein, and that
- movement means (20 figure 1) of the support means are also provided in order to confer a preset movement to the watches supported.

21. With respect to claim 16 Wolf discloses the display case for watches according to claim 14, wherein said outer case comprises securing means (pivot of the display window portion and the securing means located at the top of the device figures 1-2) suitable to make a fastening/releasing of the wall.

22. With respect to claim 17 Wolf discloses the display case for watches according to claim 16, wherein said securing means comprise at least one rest (pivot portion bottom

of figure 1) suitable to rotate from an opening position where it does not interfere with the wall to a closure position, in which it overlaps at least partially said wall in order to prevent the opening of the same (figures 1-2.)

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wuntch (US 4057958.)

25. With respect to claim 15 Wuntch discloses the display case for watches according to claim 14, wherein said at least one wall comprises an transparent panel suitable to enable the vision from the outside of the watches contained in the display case.

Wuntch does not teach what material the transparent wall is made of. Glass is a very well known transparent material. Glass is commonly used in the construction of windows and display cases such as Wuntch's case.

At the time of the invention it would have been obvious to one skilled in the art to construct Wuntch's transparent window out of glass. The reason for doing so would be to choose a well known material with which to form said display case. Forming the window out of glass would inherently involve armoring said case with glass.



***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. Agnoff (US 6543929) teaches an automatic watch winder and casing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

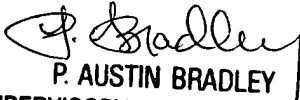
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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